

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner faxed proposed amendments (see attached) to the applicant's attorney for review and approval on March 17, 2004. The examiner stipulated that these amendments were necessary to overcome potential rejections discussed hereafter. First, the examiner stipulated that independent claim 25, as currently written, were unpatentable over various prior art references teaching making removable forms for concrete columns using the same basic method. Specifically, claim 25 only requires that the form is capable of staying in place, and therefore, since the removable forms taught by the prior art would be capable of staying in place, the removable forms would be readable on the claim although they do not in fact remain in place. However, the examiner further stipulated that the prior art does not suggest and, in fact, teaches away from leaving the form in place where a liner is used as part of the form as set forth in claims 26, 29 and 31. Specifically, the prior art teaches that the liner must not adhere to the concrete to thereby allow the form to be easily removed from the concrete; therefore, the removable forms including a liner could not function as an integral part of a concrete support structure. As such, the prior art teaches away from the applicant's disclosed invention and the proposed claims. Second, the examiner further stipulated that claims 26, 29 and 31 were confusing, as currently written, because they lacked a positive step of pouring concrete into the composite shell. This lack of a pouring step amounts to a gap between the steps in the process, and therefore these claims and any claims dependant thereon, as currently written, would be rejectable under 35 U.S.C. 112, 2nd paragraph. The proposed claims would eliminate this rejection by reciting a positive pouring step.

The examiner set a deadline of March 19, 2004 for approving the proposed amendments. On March 19, 2004, the applicant's attorney called the examiner and informed him that he was unable to obtain approval from the applicant because the applicant was out of town. As such, the examiner informed that applicant's attorney that he would have to write a non-final Office action in the application because the application was considered a "date case" and needed to be acted upon by Monday, March 22, 2004.